

FEB 22 2006

Attorney Docket No. 020726-000112US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Kevin P. Kerns

Group Art Unit 1725

OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Kevin P. Kerns

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of Theodore L. Jacobson, Application No. 10/824,333, filed April 13, 2004 for THE USE OF STATE-CHANGE MATERIALS IN REFORMABLE SHAPES, TEMPLATES OR TOOLING are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form (1 page)
2. Copy of Notice of Non-Compliant Amendment (2 pages)
3. (Corrected) Amendment (4 pages)

Number of pages being transmitted, including this page: 8

Dated: February 22, 2006


Valerie Peterson

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
Fax: 650-326-2422
0039

60708745 v1

Best Available Copy

FEB 22 2006

PTO/SB/21 (09-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/824,333
	Filing Date	April 13, 2004
	First Named Inventor	Jacobson, Theodore L.
	Art Unit	1725
	Examiner Name	Kevin P. Kerns
Total Number of Pages in This Submission	Attorney Docket Number	020726-000112US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Non-Compliant Amendment (37 CFR 1.121), (2 pages).
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. The attached (corrected) Amendment is in response to the Notice of Non-Compliant Amendment mailed February 15, 2006 in the above-application. Please deem this part of the record.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature	<i>David Slone</i>		
Printed name	David N. Slone		
Date	February 22, 2006	Reg. No.	28,572

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 1-571-273-8300 on February 22, 2006.		
Signature	<i>Valerie Peterson</i>	
Typed or printed name	Valerie Peterson	Date February 22, 2006

60708959 v1

Best Available Copy

FEB. 22. 2006 3:38PM

TTC-PA 650-326-2422

NO. 3885 P. 39



UNITED STATES PATENT AND TRADEMARK OFFICE

020726-0001245
DNIS, PA
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22315-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,333	04/13/2004	Isidoro L. Jacobsen	020726-0001245	5413
20350	7590	02/15/2006		
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
			EXAMINER KERNS, KEVIN P	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 02/15/2006

Response Due 03/15/06

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-40C (Rev. 10/03)

Rog

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10824333

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 1-30-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☐ C. Other _____

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: Missing Claims 1-26

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officesflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment must be resubmitted within the time period set forth in the final Office action.**
2. Applicant is given **one month, or thirty (30) days, whichever is longer,** from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Annex C
Legal Instruments Examiner (LIE)

571-272-1049
Telephone No.

U.S. Patent and Trademark Office
PTOI-324 (08-05)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No.